

Appl. No. 10/048,082  
Atty. Docket No. 7691  
Amdt. dated March 17, 2004  
Reply to Final Office Action of February 10, 2004  
Customer No. 27752

## REMARKS

Claims 26-29 have been withdrawn from further consideration as being drawn to non-elected inventions, the requirement having been traversed in Paper No. 5. Claims 2-10, 19, and 25 have been withdrawn from further consideration by the Examiner in the instant Office Action, as being drawn to a non-elected species. As stated in the Office Action dated February 10, 2004, appropriate rejoinder will be considered upon a determination of allowable subject matter in the instant Application. Claims 1, 11-18, and 20-24 remain in this Application and are presented for the Examiner's review in light of the following remarks.

### Rejection Under 35 U.S.C. §103

Claims 1, 15-18, and 21-24 have been finally rejected under 35 U.S.C. §103(a) over *Gschwendtner, et al.*, U.S. Patent No. 5,400,824, in view of *Schumm, Jr.*, U.S. Patent No. 5,837,394. Previous arguments made with respect to the *Gschwendtner* and *Schumm, Jr.* references remain in effect and will not be repeated for the sake of brevity. Applicants respectfully traverse this rejection and request reconsideration by the Examiner for the following new reasons:

1. Applicants' Claim 1 requires that the shutter further comprise an **integral** latching mechanism for preventing the shutter from moving with respect to the body portion.
2. The *Gschwendtner* reference does not teach latching the valve, much less a valve comprising an **integral** latching mechanism for preventing the shutter from moving with respect to the body portion.
3. Webster's Third New International Dictionary, Unabridged, 1986, defines "integral" as "of, relating to, or serving to form a whole, organically joined or linked, formed as a unit with another part (as the main part)." (Copy enclosed)
4. Applicants respectfully submit that the latch, ratchet, or detent shown in Fig. 8 of the *Schumm, Jr.* reference is not integral to the shutter. In fact, the latch, ratchet, or detent depicted in Fig. 8 of the *Schumm, Jr.* is shown to be exterior of the shutter mechanism.
5. Applicants also respectfully direct the Examiner to the *Schumm, Jr.* reference at Col. 7, ll. 66 - Col. 8, l. 12. The *Schumm, Jr.* reference states that, "The sliding portion (61) moves as a result of the action of actuator A when the load is 'turned on' and is captured or held by a ratchet or detent . . . when the system is powered down, i.e., the load is 'turned off', there is a brief delay before actuator B cause [*sic*] to slide to move to the 'off' position where it is captured or held by a ratchet or detent." Thus, the *Schumm, Jr.* reference requires an assembly of components to provide a ratchet or detent.

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In sum, the ratchet or detent of the *Schumm, Jr.* reference is not integral with the shutter, as claimed by Applicants' independent Claims 1 and 22.

Due to these considerations, the *Gschwendtner* and *Schumm, Jr.* references do not disclose, teach, suggest, or render obvious, either singly or in combination, every recited feature of Applicants' claimed invention. There must be a teaching or suggestion within the prior art or within the general knowledge of a person of ordinary skill in the field of the invention to look to particular sources of information, to select particular elements, and to combine them in the way they were combined by the inventor. See *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 48 U.S.P.Q. 2d 1321 (Fed.Cir. 1998). Thus, Applicants firmly believe that independent Claims 1 and 22 of the instant invention are unobvious over the cited prior art. Therefore, the Examiner is respectfully requested to reconsider and withdraw the current final rejection to Claims 1 and 22 under 35 U.S.C. §103(a) over the cited art.

Because dependent Claims 11-18, 20-21, and 23-24 all depend directly or indirectly from Applicants' independent Claims 1 or 22, they contain all their respective limitations. For this reason, Applicants submit that the arguments made above concerning the allowability of independent Claims 1 and 22 are equally applicable to the claims dependent thereupon under 35 U.S.C. §103(a). Applicants therefore respectfully request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) rejections to Claims 11-18, 20-21, and 23-24 accordingly.

#### Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

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